

**UNITED STATES OF AMERICA
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ANGELA COKER,
Plaintiff,

VS.

GOODWILL INDUSTRIES OF
SAN ANTONIO
Defendant,

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CIVIL ACTION NO. 5:21-cv-128

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1446(a), Goodwill Industries of San Antonio (hereinafter “Defendant”) files this, its Notice of Removal of the civil action filed in the 131st Judicial District Court in Bexar County, Texas by Angela Coker (hereinafter “Plaintiff”). Removal is proper based on the following reasons:

1. On or about July 20, 2020, Plaintiff filed this action in the 131st Judicial District Court of Bexar County, Texas, alleging Defendant wrongfully terminated her employment.
2. Defendant did not receive notice of the lawsuit until February 3, 2021. Defendant timely filed its answer in state court on February 9, 2021 and is filing this notice of removal within the thirty (30)-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).
3. Removal is proper under 28 U.S.C. §§1441 (a) and 28 U.S.C. §1331 because Plaintiff’s suit involves a federal question.
4. The federal question between Plaintiff and Defendant allegedly arises under 29 U.S.C. §2601 *et seq.* (the Family and Medical Leave Act “FMLA”). Plaintiff contends she was retaliated against for exercising her rights under the FMLA. Assertion of a federal cause of

action alone provides the federal district court with subject matter jurisdiction of this dispute.

Holland/Blue Streak v. Barthelemy, 489 F.2d 987, 989 (5th Cir. 1988).

5. By virtue of this Notice, Defendant does not waive its right to assert any claims or other motions, including Rule 12 motions, permitted by the Federal Rules of Civil Procedure.

6. Defendant is the only named defendant as of this filing. There are no other parties from whom consent is required for removal.

7. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

8. As required by 28 U.S.C. § 1446(a), this Notice is accompanied by copies of all pleadings, process, orders, and other filings in the state court suit as Exhibits A through D.

9. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly provide written notice to all adverse parties and file a copy of this Notice with the Clerk of the Bexar County Court where this case was originally filed.

10. Plaintiff demanded a jury in the state court suit.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Court take jurisdiction of this action to its conclusion and to final judgment to the exclusion of any further proceedings in the 131st Judicial District Court of Bexar County, Texas, in accordance with the law.

Respectfully submitted,

GARDNER LAW
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By: /s/ Robert D. Kilgore
Robert D. Kilgore
State Bar No. 11401700
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**ATTORNEYS FOR DEFENDANT,
GOODWILL INDUSTRIES OF SAN
ANTONIO**

Certificate of Service

I do hereby certify that on February 10, 2021, I filed the foregoing Notice of Removal with the Clerk of the United States District Court of the Western District of Texas (San Antonio Division) utilizing the CM/ECF system, and served, in accordance with Local Rule CV-5, to all parties in interest as listed below:

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/s/ Robert D. Kilgore
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